

Hon. Thomas S. Zilly

07-CV-00657-CLM

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TINA HENDRIX,

Plaintiff,

vs.

SEATTLE HOUSING AUTHORITY and TOM  
TIERNEY, Executive Director of the Seattle  
Housing Authority, in his Official Capacity

Defendants.

No. C07-657 TSZ

STIPULATED ORDER FOR  
DISMISSAL OF U.S. DEPARTMENT  
OF HOUSING & URBAN  
DEVELOPMENT

~~(PROPOSED)~~

**I. Stipulation**

Plaintiff Tina Hendrix, Defendant Seattle Housing Authority, and Defendant Tom Tierney, by counsel, agree that:

1. The Court, by Minute Order dated May 16, 2008, has instructed either the Plaintiff or the Defendants to, within thirty (30) days, make the U.S. Department of Housing & Urban Development (HUD) a party to this action, either by an amended complaint (Plaintiff) naming HUD as a defendant or by a third-party complaint (Defendants) impleading HUD;

2. As of now, however, neither the Plaintiff nor the Defendants have filed or served any amended complaint or third-party complaint upon HUD, nor has the time in which to do so

1 expired, nor has HUD filed any Notice of Appearance or other pleading; therefore, the only  
2 parties who have appeared in this action to date are Plaintiff Tina Hendrix, Defendant Seattle  
3 Housing Authority, and Defendant Tom Tierney;

4 3. Despite the Court's Minute Order of May 16, 2008, the present parties have  
5 reached a Consent Order that, if approved by the Court, would fully resolve the pending action  
6 without requiring HUD participation or otherwise affecting HUD;

7 4. Therefore, Plaintiff Tina Hendrix, Defendant Seattle Housing Authority, and  
8 Defendant Tom Tierney have agreed to request an order dismissing HUD from the action;

9 5. Although Fed.R.Civ.P. 41(a)(ii) would ordinarily authorize the existing parties to  
10 dismiss HUD without a court order, it is desirable that the Court enter an order to effectuate a  
11 dismissal of HUD because the Court has found HUD to be a necessary party in this action;

12 6. Therefore, the Court should enter the proposed Order for Dismissal of HUD  
13 pursuant to Fed.R.Civ.P. 41(a)(2).

14 Approved as to form and content by:

15   
16 Eric Dunn (WSBA #36622)  
Attorney for Plaintiff

17   
18 James Fearn (WSBA #2959)  
Attorney for Defendants

19 **II. Order**

20 This matter before the Court by stipulation of the parties and with the Court duly advised:

21 1. ~~Any and all claims that are or might be asserted against~~ <sup>are</sup> ~~The U.S. Department of Housing & Urban Development (HUD)~~ <sup>is</sup> hereby

22 Dismissed from this action and no other party shall remain obligated to make HUD a party.

23 2. This dismissal is entered pursuant to Federal Rule of Civil Procedure 41(a)(2) and  
24 is effective immediately and without prejudice.

3. This Order is entered without costs to any party.

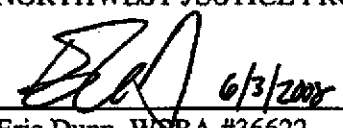
4. Plaintiff's motion for summary judgment, docket no. 28,  
and defendants' motion for summary judgment, docket no. 42, are  
STRICKEN as moot, in light of the foregoing stipulation and related

Dated this 9 day of June, 2008, at \_\_\_\_\_ (am / pm).

*Consent  
Order, signed  
this same day.*

  
U.S. District Judge

Presented by:  
NORTHWEST JUSTICE PROJECT

 6/3/2008  
Eric Dunn, WSBA #36622  
Attorney for Plaintiff